

## REMARKS

The present application included claims 1-46, all of which were rejected. Claims 1, 11, and 21 and have been amended. Claims 35, 36, 40, 41, 45, and 46 have been canceled without prejudice or disclaimer.

Note, independent claim 1 has been amended to recite the limitations of previously-pending claims 35 and 36, claim 11 has been amended to recite the limitations of previously-pending claims 40 and 41, while claim 21 has been amended to recite the limitations of previously-pending claims 45 and 46. **Each of claims 35, 36, 40, 41, 45, and 46 were previously examined.** Accordingly, the amendments to claims 1, 11, and 21 **cannot raise any new issues that would require a further search.**

Claims 34, 39, and 44 were rejected under 35 U.S.C. 112, first paragraph, due to reciting "based on interaction of said user," while the claims from which they depend recited "without any input from said user." Claims 1, 11, and 21 have been amended to render this rejection moot.

Claims 1-32, 34, 37, 39, 42, and 44 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,668,278 ("Yen"). Claims 33, 38, and 43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yen in view of U.S. 6,839,072 ("Trajkovic"). The Applicant respectfully traverses these rejections for at least the following reasons.

Claim 1 has been amended to recite, in part, "delivering said announcement along with the broadcast television program for display on a television screen within

said home, **wherein said user decides if and when said announcement should be received, wherein said user chooses when to view said announcement.**" Claims 11 and 21 have been amended in a similar fashion. The Applicant reiterates that the Examiner has already searched for and examined these limitations, as the claims have merely been amended to recite limitations of previously-pending dependent claims, as noted above.

Yen "relates to techniques for presenting broadcast and other information." See Yen at column 1, lines 10-12. The system of Yen includes a "'background' element, which interacts with interactive information sources and receives from passive information sources, and determines whether information from those sources is likely to be interesting to the recipient." See *id.* at column 3, lines 16-21.

"The background filters and preferably prioritizes the information sources in response to the recipient preferences **(whether explicitly stated by the recipient or deduced in response to the recipient's viewing habits or other information about the recipient).**" See *id.* at column 3, lines 54-58 (emphasis added). Based on such information, the "background element 111 can determine the likely degree of interest the recipient will have in each information item, and so determine whether to transmit those information items to the foreground element 112." See *id.* at column 9, lines 30-33.

The background element of an information multiplexor "records a set of preference for the recipient, indicating the types of information the recipient is likely to be interested." See *id.* at column 9, lines 53-56.

Yen also discloses responsive alert thresholds. In particular, Yen discloses the following:

In a preferred embodiment, the alert threshold (or the alert criteria) is responsive to at least one of the following:

Being set **explicitly by the recipient**. The recipient can specify separate threshold responsive to preference factors and exogenous factors described just below. Where the recipient has specified interest in particular classes or particular periodic information items, the recipient can specify an alert threshold for interrupting those items.

\* \* \*

Being set **implicitly responsive to exogenous factors, including the day of the week, a time of day, or a number of recipients present for viewing the alerted item, or a particular information item currently being viewed by the recipient.**

See *id.* at column 12, lines 7-31 (emphasis added). Thus, Yen notes that the recipient may explicitly set the threshold responsive to certain factors. Yen also notes that the alert threshold may be **implicitly** responsive (that is, **not** set explicitly by the recipient).

Yen does not describe, teach or suggest, however, that a user decides if and when an alert should be **received, and when to view the alert.** That is, Yen does not describe, teach or suggest **"wherein said user decides if and when said announcement should be received, wherein said user chooses when to view said announcement,"** as recited in claim 1, as amended. Independent claims 11 and 21 recite similar limitations. Thus, for at least these reasons, Yen does not anticipate claims 1, 11, 21 or any of the claims depending therefrom.

The Applicant respectfully submits that the proposed combination of Yen and Trajkovic does not render claims 33, 38, and 43 for at least the reasons discussed above.

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicant respectfully requests reconsideration of the claim rejections for at least the reasons discussed above. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: December 1, 2009

/Joseph M. Butscher/  
Joseph M. Butscher  
Registration No. 48,326

McANDREWS, HELD & MALLOY, LTD.  
500 West Madison Street, 34th Floor  
Chicago, Illinois 60661  
Telephone: (312) 775-8000  
Facsimile: (312) 775-8100